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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,470	04/09/2004	Marcus Damm	12400-009	1080
757	7590	10/06/2005		
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER SPISICH, GEORGE D	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,470	Applicant(s) DAMM, MARCUS	
	Examiner George D. Spisich	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/9/04</u> . | 6) <input type="checkbox"/> Other: ____. |

W A

DETAILED ACTION

Information Disclosure Statement

The IDS filed April 9, 2004 lists Japanese Document 1-277991. In the specification, there is what appears to be a description of this document. Although Examiner considered the provided document, the document does not appear to be related to an airbag or consistent with the description in the specification. During Examiner's search, JP2001-277991 (which may have been the document intended to be provided/disclosed) was found. This document is cited and relied upon in this action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pleat must be shown or the feature(s) canceled from the claim(s). Although examiner is broadly interpreting the term pleat in claim 2, if Applicant is intending to claim particular structure by using the term "pleat" in claim 2, as is disclosed in paragraph [0038] in the specification, then more detailed structural language should be used and this different structure should be shown in a Figure. No new matter should be entered.

The drawings are objected to because Figures 3 and 4 show the vent opening (7) with cross-hatching. Cross-hatching is used to show a solid structural member which

has been "cut-away" in a figure. In Figures 3 and 4, the vent opening (7) is a hollow structure and should not be shown with cross-hatching.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

On page 8, paragraph [0038], there is disclosed an alternative embodiment which defines the tuck as a non-tapering pleat. It is not clear what is meant by a non-

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tapering pleat. This is not shown in the figures. With respect to claim 2, which claims the tuck as a pleat, Examiner is broadly reading the term "pleat".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear whether Applicant is claiming in claim 2, something different than what is shown in the Figures.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5,6,7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by JP2001-277991.

JP '991, as best shown in Figures 4 a,b,c, discloses an airbag (1) having a vent hole (6c) (termed a "communication portion" in this patent), the periphery of the vent hole having a first and second opposed part (left and right sides), wherein a "tuck" is formed in the airbag (7) "in the region" of the first part such that the second part (the left peripheral edge of the communication hole 6c) extends past the first part (7) in a direction substantially outward from the interior volume of the airbag, when the airbag is inflated.

The broad term "tuck" does not have structural detail and is met by the portion of the airbag "tucked" under and stitched at 7. This tuck is "in the region" (broad phrase) of the first part. The second part extends past the first part since it is higher when the vent is extending from the bag as shown in Figure 4c.

The tuck is at least partly defined by a seam intersecting the first part of the vent hole. The first part of the vent hole is the portion of the vent hole and the seam intersects this portion although it doesn't extend to the edge of the periphery of the vent hole.

The tuck is formed by stitching (7) together two regions of the airbag and lies inside the interior volume of the airbag.

The airbag (as shown in Figure 1) has a plurality of vent holes, at least one of the vent holes having a tuck provided in the region of its periphery.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP07-329694 in view JP2001-277991.

JP '694 discloses an airbag having a vent hole (5) with a vent member (7). There is a tuck (13) shown in Figure 2-5, formed in the airbag in the region of the first part of the vent hole. The tuck (13) can also broadly be termed a pleat. The tuck is shown as tapered and formed by a fold in the airbag and at least partly defined by a seam and intersects the first part of the vent hole. The tuck is formed by stitching together two regions of the airbag and lies inside the interior volume of the airbag.

The tuck is folded and secured to the inside of the airbag by stitching (10). Figure 7 shows there are a plurality of vent holes, at least one of the vent holes having the tuck in the region of its periphery.

Although JP '694 discloses a vent member that further defines the periphery of the vent hole, the vent member of JP '694 ruptures and therefore does not have a second part that extends past the first part outward from the interior volume of the airbag when the airbag is inflated. This type of vent member does not direct air as it exits the airbag.

JP '991 discloses a vent arrangement having a vent hole and a vent member that does not rupture but is attached at one end and not at the other so as to allow the unattached end to pass through the opening and extend past the attached part in an outward direction with the airbag is inflated. This vent member directs air as it exits the airbag.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vent member of JP '694 with a vent member which allows a portion of the vent member to protrude from the airbag and extend outwardly past an attached part to direct the air as it exits the airbag as taught by JP '991 so as to redirect the air and provide a safer manner of airbag deflation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Docherty (USPN 6,017,057), Conlee (USPN 5,496,063), Hartmeyer et al. (USPN 5,492,363), Olson et al. (USPN 5,454,595), Wolanin et al. (USPN 5,280,953), Goetz (USPN 3,887,213), FR 2825054, GB 2407071, JP10-076905, JP06-305391, JP2001-277992, JP2002-059803, JP2002-067849, JP06-305392, JP08-268213, JP11-348713, JP2001-171456.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571)

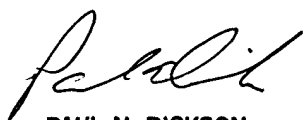
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272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
September 29, 2005



9/29/05
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600